

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

KENNETH L. MARTIN,

Case No. 2:19-cv-02007-JAD-BNW

Plaintiff

ORDER

v.

NAPH CARE, *et al.*,

Defendants

I. DISCUSSION

On November 18, 2019, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). On December 5, 2019, this Court issued an order denying the application as incomplete and directed Plaintiff to file a fully complete application to proceed *in forma pauperis* and attach a properly executed financial certificate and an inmate account statement for the past six months or pay the full \$400 filing fee within 30 days from the date of that order. (ECF No. 3). Plaintiff subsequently filed an application to proceed *in forma pauperis* on the correct form and a properly executed financial certificate. (ECF No. 4). Plaintiff did not file an inmate account statement for the past six months. As such, Plaintiff’s application (ECF No. 4) is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted an inmate account statement for the past six months. (See ECF No. 4). The Court will retain Plaintiff's civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted one final opportunity to cure the deficiencies of his application to proceed *in forma pauperis* by filing an inmate account statement for the past six months, or in the alternative, pay the

1 full \$400 filing fee for this action. If Plaintiff fails to file an inmate account statement for
2 the past six months, the Court will dismiss the case in its entirety, without prejudice, to file
3 a new case when Plaintiff is able to acquire the necessary documents to file a complete
4 application to proceed *in forma pauperis*.

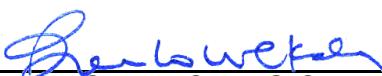
5 **II. CONCLUSION**

6 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND
7 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well
8 as the document entitled information and instructions for filing an *in forma pauperis*
9 application.

10 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
11 Plaintiff will either: (1) file an inmate account statement for the past six months in
12 compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action
13 (which includes the \$350 filing fee and the \$50 administrative fee).

14 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file an inmate account
15 statement for the past six months, the Court will dismiss the case, without prejudice, for
16 Plaintiff to file a new case when he is able to acquire the necessary documents to file a
17 complete application to proceed *in forma pauperis*. IT IS SO ORDERED.

18 DATED: 12/23/19

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21 UNITED STATES MAGISTRATE JUDGE
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